IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.638 OF 1997

WITH

CIVIL APPLICATION NO.3486 OF 1997

1.Shri Chandrashekhar Shankar Vaichal
since deceased by legal heir :
1A.Smt.Anuradha Chandrashekhar Waichal
& Ors. ...Appellants

Versus

Shri Dilip Shankar Waichal,
since deceased by his heirs and
legal representatives :
1.Smt.Sanjivani Dilip Waichal
& Anr. ...Respondents

.....

Mr.A.K.Abhyankar for Appellants.

Mr.K.V.Tembe for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 21, 2006.

P.C.

1. This Appeal takes exception to the order passed by the 4th Joint Civil Judge, Senior Division, Pune dated 21st March 1997 partly allowing the interim application preferred by the

Plaintiff being exhibit 5 in Special Civil Suit No.1130 of 1996.

2. This Court while entertaining the Appeal stayed the operation of the impugned order on condition that the Appellants shall keep two rooms vacant in the disputed property for the Respondents.

3. At this distance of time, instead of going into the correctness of the view expressed by the lower Court at Exhibit 5, in my opinion, ends of justice would be met by disposing of this Appeal, requiring the parties to continue interim arrangement ordered by this Court till the disposal of the Suit and by further directing the Trial Court to expeditiously dispose of the Suit treating the same as High Court expedited Suit, preferably by end of September 2006.

4. It is made clear that if there is any other older High court or Supreme Court expedited matter pending before the Trial Judge, the same

shall be given precedence and the present Suit shall be heard immediately thereafter, keeping in mind that the same be finally disposed of by end of September 2006 as the Suit pertains to year 1996.

5. Accordingly, this Appeal and the companion Civil Application is disposed of, directing the parties to continue the arrangement ordered by this Court as interim arrangement during the pendency of the Appeal till the disposal of the Suit.

6. It is made clear that the Trial Court shall decide the issues arising in the Suit on its own merits in accordance with law, uninfluenced by the observations in the impugned judgment or for that matter, the present order. No order as to costs.

A.M.KHANWILKAR, J.